

<b>Office Action Summary</b>	<b>Application No.</b> 10/827,086	<b>Applicant(s)</b> ELTETO, LASZLO	
	<b>Examiner</b> Edward Zee	<b>Art Unit</b> 2135	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 November 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. This is in response to the amendments filed on November 1<sup>st</sup>, 2007. Claim 18 has been amended; Claims 1-20 are pending and have been considered below.

#### ***Continued Examination Under 37 CFR 1.114***

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on November 1<sup>st</sup>, 2007 has been entered.

#### ***Claim Rejections - 35 USC § 112***

3. The arguments filed on November 1<sup>st</sup>, 2007 have been considered and are persuasive. Therefore, the previous 35 U.S.C. 112, first paragraph rejections have been withdrawn.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 11, 12 and 17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6. Claims 11 and 17 recites the limitation "the first plurality of conductive surfaces" in line

8. There is insufficient antecedent basis for this limitation in the claim.

7. Claim 12 recites the limitation “the flexible wiring” in line 1. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**9. Claims 1-9 and 11-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Schriefer (2004/0023520).**

***Claim 1:*** Schriefer discloses a flexible token apparatus, comprising:

a. a first member(*ie. connector head*), for insertion into a USB-compliant host computer female connector along a first longitudinal axis, USB-compliant host computer female connector having a plurality of host conductive surfaces [page 1, paragraph 0004-0005];

b. a second member(*ie. body of the peripheral device*), disposed along a second longitudinal axis, the second member having a processor providing conditional access to data stored in a memory(*ie. memory devices, communication devices, etc.*) [page 1, paragraph 0008];

c. a flexible conductor, electrically coupling the processor and the plurality of host conductive surfaces when the first member is inserted into the USB-compliant host computer female connector and a bendable member, coupled to the first member and the second member,

the bendable member permitting the second longitudinal axis rotated away from the first longitudinal axis(*ie. bend or rotate along an axis*) [page 1, paragraph 0005].

**Claim 2:** Schriefer discloses an apparatus as in claim 1 above and further discloses that the bendable member comprises a joint permitting the second member to be rotated about the joint so that the second longitudinal axis is non-collinear with the first longitudinal axis(*ie. spin the peripheral device if host connector has different horizontal or veridical orientation*) [page 1, paragraph 0005].

**Claim 3:** Schriefer discloses an apparatus as in claim 2 above and further discloses that the joint is a ball joint [page 2, paragraph 0021].

**Claim 4:** Schriefer discloses an apparatus as in claim 1 above and further discloses that the bendable member comprises a hinge [page 2, paragraph 0021].

**Claim 5:** Schriefer discloses an apparatus as in claim 4 above and further discloses that the hinge is bendable in a single plane and the bendable member further comprises a rotatable member permitting rotation of the plane(*ie. two degrees of freedom*) [page 2, paragraph 0020].

**Claim 6:** Schriefer discloses an apparatus as in claim 5 above, and further discloses that the bendable member comprises a gooseneck [page 3, paragraph 0028].

**Claim 7:** Schriefer discloses an apparatus as in claim 1 above and further discloses that the flexible conductor comprises a plurality of token conductive surfaces communicatively coupled to the processor [figure 10a].

**Claim 8:** Schriefer discloses an apparatus as in claim 1 above and further discloses that the flexible conductor comprises a plurality of token conductive surfaces and a flex circuit, having a

plurality of conductive traces coupled to the plurality of token conductive surfaces and the processor [figure 10a].

**Claim 9:** Schriefer discloses an apparatus as in claim 1 above and further discloses that the flexible conductor comprises a flex circuit, having a plurality of conductive traces communicatively coupled to the processor, the plurality of conductive traces including exposed portions presenting conductive surfaces contacting the host conductive surfaces when the first member is inserted into the USB host computer female connector(*ie. object 205*) [figure 2b].

**Claim 11:** Schriefer discloses an apparatus for flexibly coupling a security token having a processor to a host computer, comprising:

a. a first member(*ie. 205*), having a male USB-compliant connector disposed along a first longitudinal axis and a plurality of conductive surfaces providing electrical communication with the host computer [figure 2b];

b. a second member(*ie. 210*), having a female USB-compliant connector disposed along a second longitudinal axis, the female USB connector having a second plurality of conductive surfaces electrically coupled to a plurality of conductive surfaces via a flexible conductor [figure 2b];

c. and a joint(*ie. 215*), disposed in the first longitudinal axis and coupled to the first member and the second member, the joint permitting the second member to be rotated about the joint so that the second longitudinal axis is non-co-linear with the first longitudinal axis [figure 2a].

**Claim 12:** Schriefer discloses a method as in claim 11 above and further discloses that the flexible wiring comprises a flex circuit(*ie. 1000*) [figure 10a].

**Claim 13:** Schriefer discloses a method as in claim 12 above and further discloses that the flex circuit comprises a plurality of conductive traces having first exposed portions forming the first plurality of conductive surfaces and second exposed portions forming the second plurality of conductive surfaces(*ie. usb connectors*) [page 2, paragraph 0020].

**Claim 14:** Schriefer discloses a method as in claim 13 above and further discloses that the joint comprises a ball joint [page 2, paragraph 0021].

**Claim 15:** Schriefer discloses a method as in claim 13 above and further discloses that the joint comprises a hinge [page 2, paragraph 0021].

**Claim 16:** Schriefer discloses an apparatus for coupling a security token having a processor to a host computer, comprising:

a. a first member(*ie. connector head*), for insertion into a USB-compliant host computer connector along a first longitudinal axis, the first member having a plurality of conductive surfaces providing electrical communication with the host computer [page 1, paragraph 0004-0005];

b. a second member(*ie. body of the peripheral device*) disposed along a second longitudinal axis that is co-linear with the first longitudinal axis [page 1, paragraph 0004-0005];

c. a joint(*ie. 215*), disposed along the first longitudinal axis and coupled to the first member and the second member, the joint permitting the second member to be rotated about the joint so that the second longitudinal axis is not collinear with the first longitudinal axis [figure 2a];

d. and flexible wiring, electrically coupled to the plurality of conductive surfaces, for providing communications between the host processor and the computer(*ie. 1000*) [figure 10a].

**Claim 17:** Schriefer discloses an apparatus for flexibly coupling a security token having a processor to a host computer, comprising:

- a. a first member(*ie. 205*), having a male USB-compliant connector disposed along a first longitudinal axis and a plurality of conductive surfaces providing electrical communication with the host computer [figure 2b];
- b. a second member(*ie. 210*), having a female USB-compliant connector disposed along a second longitudinal axis, the female USB connector having a second plurality of conductive surfaces electrically coupled to a plurality of conductive surfaces via flexible wiring [figure 2b];
- c. and a joint(*ie. 215*), disposed in the first longitudinal axis and coupled to the first member and the second member, the joint permitting the second member to be rotated about the joint so that the second longitudinal axis is non-co-linear with the first longitudinal axis [figure 2a].

**Claim 18:** Schriefer discloses a method of flexibly coupling a token to a host computer, the token comprising a processor providing conditional access to data stored in a memory communicatively coupled to the processor, the method comprising the steps of:

- a. inserting(*ie. 300*) a first member of the token into a USB-compliant host computer connector along a first longitudinal axis [figure 3a];
- b. and applying pressure(*ie. external force*) to the second member of the token bendably connected to the first member, the inserted token is bent so that a longitudinal axis of the second member rotates with respect to the first longitudinal axis [page 2, paragraph 0021].

**Claim 19:** Schriefer discloses a method as in claim 18 above and further discloses that the second member comprises the processor(*ie. memory devices, communication devices, etc.*) [page 1, paragraph 0008].

**Claim 20:** Schriefer discloses a method as in claim 1 above and further discloses that the first and second members are rigid(*ie. prone to breakage*) [page 1, paragraph 0003].

***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. **Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schriefer (2004/0023520) in view of Elteto et al. (2001/0043702).**

**Claim 10:** Schriefer discloses an apparatus as in claim 1 above and further discloses:

- a. the token comprises a biometric device [page 1, paragraph 0004];
- b. and the bendable member is bendable in a plane perpendicular to the surface of the token [figure 3b];
- c. but does not explicitly disclose that the biometric device is a fingerprint scanning device.

However, Elteto et al. discloses a similar apparatus and further discloses a biometric device comprising a fingerprint sensor disposed on the surface of the token(*ie. 200*) [figure 1].



Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to employ the particular biometric device disclosed by Elteto et al. in the apparatus disclosed by Schriefer in order to prevent breakage of the device, as suggested by Schriefer [page 1, paragraph 0003].

***Response to Arguments***

12. Applicant's arguments with respect to claims 1, 11 and 18 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edward Zee whose telephone number is (571) 270-1686. The examiner can normally be reached on Monday through Thursday 9:00AM-5:00PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Y. Vu can be reached on (571) 272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

EZ  
February 5, 2008